

# Chaptered and Vetoed Bills 2018

## Chaptered Bills

### **AB 747 (Caballero) State Water Resources Control Board: Administrative Hearings Office. Chapter No.: 668**

This bill establishes an Administrative Hearings Office within the State Water Board. The Office will preside over adjudicatory hearings in waters rights enforcement cases and prepare final or proposed orders depending on the type of alleged violation.

### **AB 1577 (Gipson) California Safe Drinking Water Act: Sativa-Los Angeles County Water District. Chapter No.: 859**

This bill, an urgency measure, requires the State Water Board to appoint an Administrator to assume managerial control of the Sativa-Los Angeles County Water District (District). This bill makes a number of changes to the State Water Board's existing authority to expedite the appointment of an Administrator in this specific case. This bill dissolves the Board of the District upon the appointment of an Administrator and imposes certain restrictions on the activities of the District Board prior to appointment of the Administrator.

### **AB 1668 (Friedman) Water management planning. Chapter No.: 15**

This bill makes numerous changes and establishes new requirements related to water conservation and drought resilience. Among its provisions, this bill requires the State Water Board, in coordination with the Department of Water Resources, to adopt long-term standards for the efficient use of water, and to adopt performance measures for commercial, industrial and institutional users of water by June 30, 2022. This bill also requires the Department of Water Resources, in coordination with the State Water Board, to conduct studies and investigations and recommend guidelines and methodologies for issuing variances for urban water suppliers to use in calculating their urban water use objectives. This bill additionally requires agricultural water suppliers to prepare updated agricultural water management plans with specified information. Enactment of this bill was contingent upon passage of SB 606 (Hertzberg, 2017), which contains additional water conservation and drought preparedness provisions.

### **AB 1944 (Garcia, Eduardo) Sustainable groundwater management: San Luis Rey Valley Groundwater Basin. Chapter No.: 255**

This bill requires that the San Luis Rey Valley Groundwater Basin, as identified in the Department of Water Resources Bulletin 118, be divided into upper and lower subbasins at a specified location. This bill declares that all water beneath the surface of the newly defined Upper San Luis Rey Valley Groundwater Subbasin, including water flowing in a "known and definite channel," be subject to the Sustainable Groundwater Management Act.

### **AB 2339 (Gipson) Water utility service: sale of water utility property by a city. Chapter No.: 866**

This bill provides an alternative process for the cities of El Monte, Montebello and Willows to sell their municipal drinking water systems to another water system for the purpose of consolidation. The bill allows, until January 1, 2022, these cities to sell their drinking water systems, if they determine that it is uneconomical and not in the public interest to own and operate the drinking water system and they meet specified conditions. The bill exempts these cities from provisions of current law that require municipalities to obtain a two-thirds vote of the people in order to sell a public utility.

**AB 2370 (Holden) Lead exposure: child day care facilities: family day care homes.**

**Chapter No.: 676**

This bill requires licensed child day care facilities that are located in a building built before January 1, 2010, to have their drinking water tested for lead contamination levels beginning January 1, 2020, and no later than January 1, 2023, and every five years thereafter. The bill requires the Department of Social Services, in consultation with the State Water Board, to adopt regulations for testing of drinking water at licensed child day care facilities to ensure the water is lead free. This bill would require laboratories to report sampling results to the State Water Board, and for the State Water Board to report to the Department of Social Services any results show exceedances of acceptable lead levels.

**AB 2371 (Carrillo) Water use efficiency: landscape irrigation. Chapter No.: 867**

This bill would impose new requirements intended to improve landscape water use efficiency. Specifically, this bill would; (1) make changes to the licensure requirements of Landscape Contractors, (2) require the Department of Water Resources (Department) to convene a working group by June 30, 2019, (3) require the Department to advise on proposed revisions to its Water Use Classification of Landscape Species publication to update plant listings, and (4) compile an estimate of the number of properties that conducted an irrigation system inspection.

**AB 2501 (Chu) Drinking water: state administrators: consolidation and extension of service.**

**Chapter No.: 871**

This bill expands the State Water Board's authority to: (1) require the consolidation of drinking water systems that serve disadvantaged communities, and which consistently fail to deliver safe drinking water, and (2) appoint an Administrator to provide administrative and managerial services to a designated public water system that fails to deliver an adequate and affordable supply of safe drinking water. This bill also makes various technical and clarifying changes to the State Water Board's authority to require the consolidation of drinking water systems and to appoint an Administrator.

**AB 2541 (Salas) Safe Drinking Water State Revolving Fund: project financing: severely disadvantaged communities. Chapter No.: 217**

This bill strikes a provision of existing law which limits the State Water Board's authority to issue grants and zero percent interest loans to severely disadvantaged communities from the Drinking Water State Revolving Fund to only those cases where the severely disadvantaged community can demonstrate that paying a loan from the Fund would result in unaffordable water rates.

**AB 2551 (Wood) Forestry and fire prevention: joint prescribed burning operations: watersheds.**

**Chapter No.: 638**

This bill authorizes the Director of CAL FIRE to enter into joint prescribed burning operations and provide advanced payments to undertake forest resource improvement work. This bill also authorizes CalEPA and the Natural Resources Agency to (1) jointly develop and submit to the Legislature a plan for forest and watershed restoration investments for the drainages that supply the Oroville, Shasta, and Trinity Reservoirs and (2) develop and propose to the Legislature a pilot project for a coordinated, multiagency permitting of watershed restoration activities in the watersheds that supply the Oroville, Shasta, and Trinity Reservoirs.

**AB 2889 (Caballero) Timber harvesting plans: guidance and assistance. Chapter No.: 640**

This bill requires CAL FIRE to provide guidance and assistance to persons who submit timber harvesting plans to ensure the uniform and efficient implementation of processes and procedures related to the filing, review, approval, required modification, completion and appeal of decisions of timber harvesting plans. This bill also requires CAL FIRE to issue guidance to state agencies that rely

on information in timber harvesting plans for issuing their own separate permits for timber harvesting projects.

**AB 2900 (Committee on Environmental Safety and Toxic Materials) Proposed new public water system: preliminary technical report. Chapter No.: 195**

This bill makes technical changes to provisions of existing law that require applicants for new public water system permits to have to submit to the State Water Board a technical report which evaluates the feasibility of supplying safe drinking water to the proposed service area from one or more existing adjacent public water systems, instead of establishing a new public water system. Specifically, the bill authorizes the State Water Board to approve a technical report and allow construction to proceed without having to wait for a six-month period, as required under current law. Additionally, the bill narrows the scope of the evaluation that must be conducted as part of the technical report.

**AB 2902 (Committee on Environmental Safety and Toxic Materials) Hazardous substances. Chapter No.: 721**

This bill makes various technical changes to statutes pertaining to the regulation of aboveground petroleum storage tanks and underground petroleum storage tanks, and to the development of Hazardous Materials Business Plans. Among its provisions, the bill authorizes the State Water Board to “red tag” an underground petroleum storage tank for a significant violation that goes uncorrected or that poses an imminent threat to human health or safety or the environment. “Red tagging” prohibits the tank from being refilled until the violation has been corrected. Current law authorizes local enforcement agencies to “red tag” underground storage tanks but does not explicitly authorize the State Water Board to do so.

**SB 606 (Hertzberg) Water management planning. Chapter No.: 14**

This bill makes numerous changes and establishes new requirements related to water conservation and drought resilience. Among its provisions, this bill requires each urban water supplier to annually calculate a water use objective based on specified factors and to also calculate its actual urban water use. This bill provides the State Water Board with authority to issue informational and conservation orders to urban water suppliers that do not meet their water use objectives. This bill also makes several changes to urban water management planning and water shortage contingency plan requirements. Enactment of this bill was contingent upon passage of AB 1668 (Friedman, 2017), which contains additional water conservation provisions.

**SB 862 (Committee on Budget and Fiscal Review) Budget Act of 2018. Chapter No.: 449**

This bill supplements the 2018 Budget Act to make appropriations to various state agencies. Among other provisions, this bill appropriates funds to the State Water Board to: 1) fund the appointment of an administrator to assume managerial control over Sativa-Los Angeles County Water District; 2) complete a statewide drinking water needs assessment; 3) provide additional financial support for the Safe Drinking Water for Schools Grant Program including technical assistance; 4) provide emergency grants to individual households for well and septic system replacement, connections to public water systems, well or septic system abandonment, installation of point-of-use and point-of-entry water treatment systems, and debt relief to households who financed well replacement resulting from a drought emergency; and 5) for a pilot grant program to provide funding to individual households for replacement of wells and septic systems in households affected by wildfire and not covered by insurance.

**SB 901 (Dodd) Wildfires. Chapter No.: 626**

This bill is a broad package of legislation to address multiple aspects of wildfire prevention and recovery within California. Among its provisions, this bill creates two new timber harvesting exemptions within the Forest Practice Rules, including one that would allow for road building under the exemption. This bill also: 1) allows multiple landowners to file under a single working forest management plan or

non-industrial timber management plan; 2) creates the Wildfire Resilience Program; 3) appropriates \$190 million from the Greenhouse Gas Reduction Fund to improve forest health and for fuel reduction projects; 4) requires public utility companies to prepare wildfire mitigation plans and vegetation management plans; and 5) allows public utility companies to recover, as specified, losses due to wildfires from rate-payers.

**SB 966 (Wiener) Onsite treated nonpotable water systems. Chapter No.: 890**

This bill requires the State Water Board, in consultation with the Department of Housing and Community Development and the California Building Standards Commission, to adopt regulations establishing risk-based water quality standards for the onsite treatment and reuse of nonpotable water sources (e.g. graywater, rainwater, stormwater and blackwater) for nonpotable end uses (e.g. toilet and urinal flushing, clothes washing, irrigation, and dust suppression) in multi-family residential, commercial and mixed-use buildings. This bill requires local jurisdictions that allow building owners within their jurisdictions to install onsite water treatment systems to establish a permitting program for these systems that include the risk-based standards adopted by the State Water Board.

**SB 998 (Dodd) Discontinuation of residential water service: urban and community water systems. Chapter No.:891**

This bill requires urban and community water systems (i.e. water systems that supply water to more than 200 service connections) to have a written policy on the discontinuation of water service to households for nonpayment. The bill requires the policy to contain certain components and would prohibit disconnection unless specified conditions are met. This bill provides the State Water Board with enforcement authority to ensure that urban and community water systems create a plan and make it accessible to the public.

**SB 1133 (Portantino) Water quality control plans: funding. Chapter No.: 355**

This bill allows the State Water Board to accept donations of moneys from a permittee, on behalf of itself or a Regional Water Board, for the purposes of updating a Water Quality Control Plan.

**SB 1215 (Hertzberg) Provision of sewer service: disadvantaged communities.**

This bill authorizes the Regional Water Boards to require a city, county or special district wastewater treatment system to provide sewer services to all or part of a disadvantaged community if the disadvantaged community is served by septic tanks that have the reasonable potential to pollute waters of the state. This bill requires the State Water Board, as necessary and appropriate, to make funds available to the city, county or special district to pay for the costs of providing the sewer services to the disadvantaged community.

**SB 1263 (Portantino) Ocean Protection Council: Statewide Microplastics Strategy. Chapter No.: 609**

This bill requires the Ocean Protection Council, in cooperation with the State Water Board and other agencies, to adopt and implement a Statewide Microplastics Strategy to the extent that funding is available. The purpose of the strategy is to increase the understanding of the scale and risks of microplastic materials on the marine environment and to identify proposed solutions to address the impacts of microplastic materials, to the extent feasible. The bill requires the Ocean Protection Council, subject to the availability of funding, to submit the Statewide Microplastics Strategy to the Legislature by December 31, 2021, adopt and implement the Strategy by December 31, 2024, and report to the Legislature by December 31, 2025 on implementation of the Strategy and the Council's recommendations.

**SB 1422 (Portantino) California Safe Drinking Water Act: microplastics. Chapter No.: 902**

This bill mandates the State Water Board by January 1, 2021, to require public water systems to test for, and report on, the amount of microplastics in drinking water over a period of four years. This bill also requires the State Water Board to adopt a definition of microplastics in drinking water, develop a standard methodology for water systems to use in testing the amount of microplastics in drinking water, accredit laboratories to test for microplastics, and consider issuing a notification level or other guidance to aid consumers in interpreting the results of the testing.

**SB 1493 (Committee on Natural Resources and Water) Public resources. Chapter No.: 742**

This bill, the Senate Natural Resources and Water Committee Omnibus bill, makes various minor, technical changes to code sections within the jurisdiction of the Committee. Among its provisions, this bill requires the Department of Conservation's Division of Oil, Gas, and Geothermal Resources and the State Water Board to report to the legislative fiscal and policy committees annually, commencing July 30, 2019, regarding their implementation of the Underground Injection Control program.

## **Vetoed Bills**

**AB 1165 (Caballero) Agriculture: Agricultural Sustainability Council: regulatory alignment.**

This bill would have established the Agricultural Sustainability Council in state government for the purposes of planning for regulatory alignments that aid grower compliance, reducing costs to the agricultural industry, and protecting the environment. The proposed Council would have been comprised of representatives from various state agencies, including the State Water Board. This bill specified that if the Council determined that there were an efficient and cost-effective manner to achieve regulatory alignments that would aid grower compliance without weakening the application of a law for the protection of public health, the environment, consumer protection, or worker safety, the council might adopt that determination as a recommendation and forward that recommendation to the applicable state agency.

**Governor's Message:**

To the Members of the California State Assembly: I am returning Assembly Bill 1165 without my signature. This bill establishes the Agricultural Sustainability Council for the purpose of eliminating regulatory overlap and inconsistency. I agree with the author's objective, but believe this bill is not warranted. The Department of Food and Agriculture Secretary, using her existing authority, can meet with other state agencies and identify how to improve regulatory coordination and efficiency.

Sincerely, Edmund G. Brown Jr.

**AB 1529 (Thurmond) Drinking water: cross-connection or backflow prevention device inspectors: certification.**

This bill would have prohibited local drinking water suppliers from "refusing to recognize" statewide certifications for backflow prevention device testers and cross-connection control specialists if the certifications meet standards set by the State Water Board. The bill also would have required water suppliers to accept current and valid certifications for backflow prevention device testers and cross-connection control specialists that meet existing standards until the State Water Board adopts new standards for certified backflow prevention device testers and cross-connection control specialists, or until January 1, 2020, whichever comes first.



**Governor's Message:**

To the Members of the California State Assembly: I am returning Assembly Bill 1529 without my signature. This bill would require local water suppliers to accept current certifications issued for people who inspect cross-connection and backflow prevention devices, which protect drinking water supplies from contamination, if the certifications meet regulatory requirements that were in effect January 1, 2016. Additionally, once the State Water Resources Control Board adopts new standards for cross-connection control and backflow prevention - which they are expected to do by January 1, 2020 - water suppliers would be required to accept certifications that meet these new certification standards. This bill is unnecessary and limits a water supplier's ability to protect public health and safety. The Water Board is in the process of developing new cross-connection and backflow prevention standards, which will provide consistent direction on the issue. Furthermore, the proposed regulations will preserve water suppliers' discretion to require standards that are more rigorous.

Sincerely, Edmund G. Brown Jr.

**AB 2050 (Caballero) Small System Water Authority Act of 2018.**

This bill would have created the Small System Water Authority Act of 2018, which would have required the State Water Board to create small system water authorities to absorb and operate small public water systems that do not comply with drinking water standards, under specified conditions. Among its provisions, the bill would have: (1) required the State Water Board, by March 1, 2019, to send written "notice-to-cure" to small public water systems that are not in compliance with drinking water standards; (2) required each small water system that receives such a notice to submit to the State Water Board a plan for coming into compliance by January 1, 2024; (3) specified that if the State Water Board rejects a water system's plan, the Board must initiate the process defined in the bill to cause the creation of a small water system authority to absorb and operate the water system, if specified conditions are met; and (4) required the State Water Board to appoint an Administrator to be responsible for the interim operation and management of the system.

**Governor's Message:**

To the Members of the California State Assembly: I am returning Assembly Bill 2050 without my signature. This bill establishes the Small System Water Authority Act of 2018, which authorizes the creation of small system water authorities to operate small public water systems that can't afford to serve safe drinking water. While I appreciate the author's intent, this bill creates an expensive, bureaucratic process and does not address the most significant problem with providing safe drinking water or a stable funding source to pay for ongoing operations and maintenance costs. My administration remains committed to a comprehensive solution to address safe drinking water issues based on shared responsibility between water users and water providers that will not result in ongoing costs to the General Fund. I urge the Legislature and stakeholders to work towards a stable funding solution in 2019.

Sincerely, Edmund G. Brown Jr.

**AB 2060 (Garcia, Eduardo) Water: grants: advanced payments.**

This bill would have required the State Water Board, within 60 days of awarding a grant from the State Water Pollution Control Revolving Fund Small Community Grant Fund or a grant from the drinking water funds in Propositions 1 and 68, to provide project proponents with an advanced payment, if the project proponent requests the advanced payment, demonstrates a need for it, and meets other specified criteria. The bill would have required the State Water Board to provide an advanced payment

to grantees in the amount that they request up to \$500,000 or 50 percent of the grant amount, whichever is less, for the Small Community Grant Fund, and \$500,000 or 25 percent of the grant, whichever is less, for Proposition 1 drinking water funds. The bill specified that the project proponents must meet certain conditions in managing the advanced payment funds.

**Governor's Message:**

To the Members of the California State Assembly: I am returning Assembly Bill 2060 without my signature. This bill would require the State Water Resources Control Board to provide advance payment of grant awards to a nonprofit organization or disadvantage community grantee, upon request, if the grantee demonstrates a need and if other specified criteria are met. These provisions would apply to wastewater and drinking water projects. I appreciate the author's intent to help nonprofit organizations and disadvantaged communities meet cash-flow needs when managing projects. In recent years, however, the State Water Board has established other means for grantees or address cash-flow problems. For example, the State Water Board facilitates payment of invoices, including paying additional fees to the State Controller for expedited processing. Additionally, when a grantee obtains a bridge loan to access funds before completion of a project, the State Water Board will reimburse the grantee for interest costs. As such, the additional financial risks and administrative costs associated with advanced payments, as proposed in AB 2060, are unwarranted.

Sincerely, Edmund G. Brown Jr.

**AB 2538 (Rubio) Municipal separate storm sewer systems: financial capability analysis.**

This bill would have required the State Water Board to establish financial capability assessment guidelines for Municipal Separate Storm Sewer System permittees.

**Governor's Message:**

To the Members of the California State Assembly: I am returning Assembly Bill 2538 without my signature. This bill would require the State Water Resources Control Board to establish financial capability assessment guidelines for Municipal Separate Storm Sewer System permittees by July 1, 2019. The State Water Board is currently working on guidelines to assist local agencies in estimating and tracking the cost of compliance with their stormwater permits. Additionally, the State Water Board and Regional Water Boards work with permittees to create customized compliance schedules and offer grants and loans. Municipal finances are diverse and a generic financial analysis, as this bill suggests, will not meaningfully advance our understanding of the ability of municipalities to meet stormwater permitting requirements.

Sincerely, Edmund G. Brown Jr.

**SB 1301 (Beall) State permitting: environment: processing procedures: dam safety or flood risk reduction project.**

This bill would have required various state agencies involved in the permitting of dam safety and flood risk reduction projects to provide "supplemental consultation" to project applicants at their request and upon completion of a written "fee-for-service" agreement, to assist the project applicants in the permitting process. The bill would have required the state agencies to provide supplemental consultation at least quarterly and for the consultations to include actions that might be taken by the state agencies and the applicant to expedite permit processing and approval. The bill also would have required the Office of Planning and Research to develop a joint multiagency preapplication for

supplemental consultation and a model fee-for-service agreement, in consultation with appropriate state agencies.

**Governor's Message:**

To the Members of the California State Senate: I am returning Senate Bill 1301 without my signature. This bill requires state agencies involved in permitting dam safety and flood mitigation projects to provide project applicants quarterly supplemental consultation to those applicants who agree to pay the costs of the consultation. Under this measure, state agencies must prioritize their limited resources on projects that have applicants willing to pay a “supplemental consultation” fee. Consequently, these agencies may be required to fast-track work on permits for minor projects at the expense of other projects that directly impact the public’s health and safety. This bill attempts to address a perceived shortfall in funding and staffing at the permitting process. I suggest the author propose this issue during next year’s budget discussion.

Sincerely, Edmund G. Brown Jr.